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1 A.R.S. Title 20 did not expressly address the filing requirements applicable to long-term care
2 insurance rates and forms

3 4. At the hearing, Humana, Inc. submitted a letter from Bill Howard, Market CEO,
4 that proposed expansion of the advertising exemption to certain PPO and indemnity health
5 insurance advertisements that do not include benefit-specific information related to products
6 sold in Arizona. Humana, Inc. based this request on the fact that the advertising materials do
7 not include benefit-specific information such as actual dollar/coverage/day limit amounts.
8 Examples of such materials include generic newsletters describing HumanaBeginnings, a
9 pregnancy program; Humana Health and Services flyers that provide a general overview of
10 various health and wellness programs; and educational and information materials contained
11 on the Humana.com Internet website that do not include benefit-specific information.

12 5. On October 14, 2003, Dennis Babka, Life & Health Supervisor of the
13 Department's Life & Health Division submitted a written response to Humana, Inc.'s hearing
14 submission. Mr. Babka stated that the materials referred to in Humana's letter are commonly
15 known as "institutional advertising" that does not advertise a particular product, but rather,
16 advertises the company itself. The primary purpose of this type of advertising is to convince
17 the public of such things such as the company's solid financial stability, large market share,
18 excellent claims paying ability, larger provider network, etc. so that the public will feel
19 comfortable purchasing various insurance products from the company. The Department has
20 found that such institutional advertising is significantly more likely to be misleading and
21 deceptive than the types of advertising proposed for exemption. As a result of these historical
22 non-compliance issues in such advertising, Mr. Babka stated that the view of the Department
23 is that the continued review of such advertising is necessary for the protection of the public

1 and, therefore, institutional advertising of the type described by Humana, Inc. should not be
2 exempted from review.

3 6. The Director may hold hearings for any purpose deemed necessary and within
4 the scope of A.R.S. Title 20, pursuant to A.R.S. §20-161.

5 NOW, THEREFORE, in order to protect the interests of consumers of life and disability
6 and long-term care insurance products in Arizona, to promote a competitive market place for
7 life and disability and long-term care insurance products in Arizona, to promote the availability
8 and affordability of life and disability and long-term care insurance products in Arizona, and to
9 promote the effective and efficient administration of A.R.S. Title 20,

10 IT IS ORDERED, pursuant to A.R.S. §20-1110(F), adopting Exhibits A and B attached
11 hereto, which shall supercede the Order in Docket No. 01A-216-INS (10/26/01).

12 IT IS FURTHER ORDERED, pursuant to A.R.S. §20-1691.08, adopting Exhibit C
13 attached hereto. Exhibit C does not supercede any prior Order of the Director

14 This Order is effective immediately upon issuance.

15 DATED this _____ Day of _____, 2003.

17 _____
18 CHARLES R. COHEN, Director
Arizona Department of Insurance

19 COPIES of the foregoing mailed
20 this ____ day of October 2003, to:

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22 Marshall C. Cole, Esq.
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EXHIBIT A

ADVERTISING FORMS EXEMPTED FROM THE FILING REQUIREMENTS OF A.R.S. §20-1110(E)

(**Note:** Changes to the Director's Order filed October 26, 2001, Exhibit A, are shown below with deletions ~~struck~~ and additions underlined and shown in **bold.**)

Pursuant to the provisions of A.R.S. §20-1110(F), the Director may exempt, by Order, any life and disability insurance document or form or type as specified in such Order from the filing requirements of A.R.S. §20-1110 if, in his opinion, the filing is not desirable or necessary for the protection of the public.

Accordingly, the following life and disability advertising forms are exempt from the filing requirement of A.R.S. §20-1110(E):

- A. All Individual and Group Life Insurance Advertisements.
- B. All Individual and Group Annuity Advertisements
- C. All Disability Income Advertisements
- D. All Indemnity Dental Advertisements
- E. All Accident Only Insurance Advertisements
- F. **All Group Long-Term Care Insurance Advertisements.**

EXHIBIT B

I. LIFE AND DISABILITY FORMS EXEMPTED FROM THE FILING AND APPROVAL REQUIREMENTS OF A.R.S. §20-1110(A)

Pursuant to the provisions of A.R.S. §20-1110(F), the Director may exempt, by Order, any life and disability insurance document or form or type as specified in such Order from the filing and approval requirements of A.R.S. §20-1110 if, in his opinion, the filing and approval of such are not desirable or necessary for the protection of the public.

Accordingly, the following life and disability forms are exempt from the filing and approval requirements of A.R.S. §20-1110(A):

- A. The following types of life insurance policy forms:
 - 1. Individual permanent policies with fixed premiums, benefits and guaranteed values as follows:
 - a. Ordinary whole life.
 - b. Limited pay life.
 - c. Life paid up at certain ages.
 - d. Endowments.
 - e. Modified benefit whole life (only 1 decrease or increase in face amount at a certain age with no change in premium).
 - f. Modified premium whole life (only 1 change in premium with no change in benefit amount).
 - g. Single premium life and endowments.
 - h. Joint life without survivorship benefits.
 - i. Individual policies issued as a result of a group conversion privilege.
 - 2. Individual term policies.
 - 3. Group life policies as follows:
 - a. Group annuities.
 - b. Group permanent life.
 - c. Group term life.
 - 4. Miscellaneous life forms as follows:
 - a. Industrial life.
 - b. Immediate annuities.
 - c. Variable life and annuity contracts which provide benefits according to the investment experience of a separate account pursuant to A.R.S. §20-651.
 - d. Applications, endorsements, amendments and riders issued in conjunction with (1), (2), (3), and (4) above.
- B. The following types of disability insurance policy forms:
 - 1. Group disability policies, including blanket disability, except group policies issued to trustees where the trust situs is in this state.

2. Forms for individual disability policies as follows:
 - a. Long term disability income including overhead expense.
 - b. Short term disability income including overhead expense.
 - c. Prescription drugs.
 - d. Accident only.
 - e. Travel accident.
 - f. Accidental death and disability.
 - g. Overhead expense disability income.
 - h. Individual policies issued as a result of a group conversion privilege.
3. Applications, riders, endorsements and amendments issued in conjunction with (1) and (2) above.

C. Regulation of exempt forms:

1. Each year, on or before June 30, insurers shall file with the Life and Health Division of the Department of Insurance a verified list of all forms which became available for issue in the State of Arizona as of June 1 of the previous year and which are exempt from the filing requirements of A.R.S. §20-1110 by this Order.
2. The verified list of exempt forms shall set forth each such exempt from by its title and form number. If the form does not have a descriptive title, a brief explanation of the coverage provided shall be included.
 - a. The list of exempt forms shall be accompanied by an original certification as set forth in Certification 1, executed by a designated representative of the insurer, unless such certifications have previously been filed for said forms.
 - b. The list of exempt forms shall be accompanied by an original actuarial certification set forth in Certification2. The actuarial certification shall apply to all exempt life and annuity forms, unless such certifications have previously been filed for said forms.

CERTIFICATION 1
STATE OF ARIZONA
CERTIFICATION
ANNUAL LIST OF EXEMPT LIFE, ANNUITY AND DISABILITY FORMS

I have reviewed or supervised the preparation of the enclosed list of exempt forms available for issue in Arizona. I hereby certify that to the best of my knowledge, information and belief, the information provided is correct and complete, that none of these forms are deceptive and misleading and none of these forms contain exceptions or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverages of the policy. I certify that the forms listed comply with all applicable laws, regulations and bulletins and that the use of any form listed in this report will be discontinued in the event of future changes in laws or regulations which would prohibit the use of such a form.

CERTIFICATION 2
STATE OF ARIZONA
CERTIFICATION
ACTUARIAL LIST OF EXEMPT LIFE AND ANNUITY FORMS

I have reviewed or supervised the review of the actuarial formulae for policies exempt from filing. I certify that the nonforfeiture benefits for these policies, for every age and face amount combination, meet the nonforfeiture requirements of the Arizona Insurance Code. I certify that to the best of my knowledge the policies are not actuarially deceptive or misleading and do not contain exceptions or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policies.

II. INDIVIDUAL LIFE AND ANNUITY FORMS CONDITIONALLY EXEMPTED FROM THE PRIOR APPROVAL REQUIREMENTS OF A.R.S. §20-1110(A)

Pursuant to the provisions of A.R.S. §20-1110(F), the Director may exempt, by Order, any life insurance or annuity document or form as specified in such Order from the approval requirements of A.R.S. §20-1110 if, in his opinion, the approval of such is not desirable or necessary for the protection of the public.

Accordingly, forms relating to ordinary life insurance or annuity contracts which meet the criteria listed below are conditionally exempted from the prior approval requirement of A.R.S. §20-1110(A) at the time of the first use in this state and the requirement of filing with the Director at least thirty (30) days prior to delivery or issuance for delivery pursuant to A.R.S. §20-1110(C).

- A. The identical form (except for variations necessary to meet the requirements of the state in which coverage will be effective) has already been allowed or approved by the insurance regulatory agency of the filing insurer's state of domicile; and
- B. The identical form (except for variations necessary to meet the requirements of the state in which coverage will be effective) has already been allowed or approved by the insurance regulatory agency or agencies of a state or states, other than the filing insurer's state of domicile, in which the filing insurer issued at least 25% of its total U.S. business for ordinary life insurance or annuity considerations, as applicable, according to the applicable State Pages, Exhibit of Premiums and Losses, page 21, of its annual statement as of the most recent calendar year end.;
- C. The law of the states referenced in paragraphs A and B requires that the form be filed with the insurance regulatory agency at least 15 days prior to its use and either requires approval, or allows the insurance regulatory agency an opportunity to disapprove it, prior to its use in that state; and
- D. The law of the states referenced in paragraphs A and B allows the insurance regulatory agency to disapprove the form if it is ambiguous, misleading or deceptive, or a substantially similar standard; and
- E. The form is filed with this Department no later than the date it is first delivered or issued for delivery in this state; and
- F. Together with the form, the insurer files all of the following:
 - 1. A certification of qualification for this exemption, in a form required by this Department;
 - 2. A certification attesting to the insurer's knowledge and understanding of, and the form's compliance with, the law of Arizona, in a form required by this Department.

EXHIBIT C

LONG-TERM CARE FORMS EXEMPTED FROM THE FILING AND APPROVAL REQUIREMENTS OF A.R.S. §20-1691.08

Pursuant to the provisions of A.R.S. §20-1691.08(F), the Director may exempt, by Order, any long-term care insurance rate or form, to which, in the Director's opinion, A.R.S. §20-1691.08 may not practicably be applied or the filing and approval of which are, in the Director's opinion, not desirable or necessary for the protection of the public.

Accordingly, the following long-term care rates and forms are exempt from the filing and approval requirements of A.R.S. §20-1691.08:

All Group Long-term Care